

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 8155	DATE	1/2/2001
CASE TITLE	Dukhan Iqraa Jihad Mumin vs. Attorney General		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

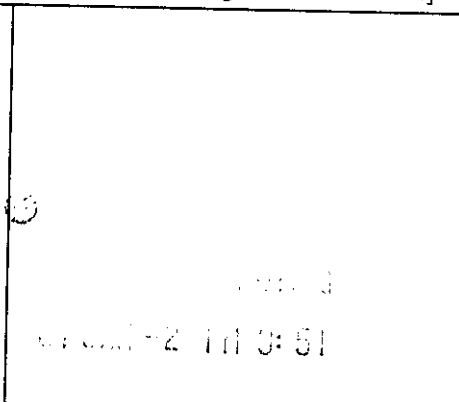
## MOTION:

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## DOCKET ENTRY:

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Mumin is to file a brief amendment to his Petition on or before January 20, 2001. This Court appoints the Federal Defender Panel to represent Mumin under the provisions of the Criminal Justice Act. This Court orders respondent to file an answer or other pleading in response to the Petition in accordance with Section 2254 Rules 4 and 5 on or before February 16, 2001. This action is set for a status hearing at 9 a.m. February 23, 2001.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court.		number of notices	<b>Document Number</b>  2
<input type="checkbox"/> No notices required.		JAN 03 2001 date docketed	
<input checked="" type="checkbox"/> Notices mailed by judge's staff.		DNJ docketing deputy initials	
<input type="checkbox"/> Notified counsel by telephone.		1/2/2001 date mailed notice	
<input type="checkbox"/> Docketing to mail notices.		SN	
<input type="checkbox"/> Mail AO 450 form.		Date/time received in central Clerk's Office	mailing deputy initials
<input type="checkbox"/> Copy to judge/magistrate judge.			
SN	courtroom deputy's initials		

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DUKHAN IQRAA JIHAD MUMIN, #51778     )  
  )  
                                  Petitioner,     )  
  )  
                  v.     )  
  )  
  )  
  )  
  )  
  )  
[Unnamed custodian and]     )  
  )  
ATTORNEY GENERAL OF THE STATE OF     )  
ILLINOIS JIM RYAN,     )  
  )  
  )  
                                  Respondents.     )

No. 00 C 8155

MEMORANDUM OPINION AND ORDER

JAN 03 2001

Dukhan Iqraa Jihad Mumin ("Mumin") has submitted a self-prepared and prepaid Petition for Writ of Habeas Corpus ("Petition") under 28 U.S.C. §2254 ("Section 2254"), challenging his conviction and sentence following his guilty plea to a single count of forgery (pursuant to a plea agreement, four other counts against Mumin were dismissed at the time of sentencing). This memorandum opinion and order will address several matters raised by the Petition.

To begin with, Mumin has not complied with the requirement of Rule 2(b) of the Rules Governing Section 2254 Cases in the United States District Courts ("Section 2254 Rules") in situations where, as here, an applicant for habeas relief is not now in custody pursuant to the state judgment against which he seeks relief but may be subject to such custody in the future. In this instance Mumin is now serving a 10 to 15 year sentence in the Nebraska State Penitentiary (a sentence that began on

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March 29, 1998 and on which he is scheduled for parole in early 2004--see Petition at 8. While he was serving that sentence, Mumin was taken to Illinois under the Interstate Agreement on Detainers Act to address the forgery and other charges in DuPage County (id.), and he then entered his guilty plea and was sentenced here in Illinois.

Under those circumstances, Section 2254 Rule 2(b) requires Mumin to name two respondents in his Petition--the officer who now has custody over him (the Warden of the Nebraska prison where he is serving time) and Illinois Attorney General Jim Ryan. Because Mumin has named the latter but not the former respondent, he is ordered to file a brief amendment to his Petition curing that oversight on or before January 20, 2001.

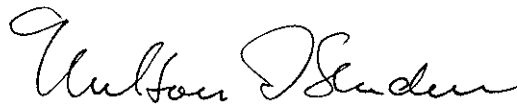
Another matter that relates to Mumin's dual conviction situation, but is left unanswered by the Petition, is whether and to what extent Mumin's Illinois sentence that he seeks to challenge here was imposed concurrently with or consecutively to the preexisting Nebraska sentence. If concurrent sentences are involved, one question that would perhaps have to be addressed is whether the availability or unavailability of habeas relief from the Illinois sentence would make any difference to Mumin at all. This Court of course expresses no view on that subject, but Mumin should also include that information as part of the amendment to his Petition that has been ordered in the preceding paragraph.

Subject to anything that might develop in that respect, it does appear from the Petition that Mumin has exhausted his available state court remedies as required by Section 2254(b)(1)(A) (see Petition at 2-4), that the Petition is timely filed in accordance with Section 2244(d)(1), and that the substantive allegations in the Petition set out one or more claims that are substantively colorable. Accordingly:

1. This Court appoints the Federal Defender Panel to represent Mumin under the provisions of the Criminal Justice Act (18 U.S.C. §3006A(a)(2)(B)).<sup>1</sup>

2. This Court orders respondent Illinois Attorney General Jim Ryan to file an answer or other pleading in response to the Petition in accordance with Section 2254 Rules 4 and 5 on or before February 16, 2001.

3. This action is set for an initial status hearing at 9 a.m. February 23, 2001.



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Milton I. Shadur  
Senior United States District Judge

Date: January 2, 2001

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<sup>1</sup> Naming of the member of that Panel who will be given responsibility for the representation will take place shortly hereafter.